

*Town of Horicon*  
**ZONING BOARD OF APPEALS**

Minutes of April 24, 2007 approved May 22, 2007

Members Present: Chairperson Priscilla Remington, Harry Balz, Dan Smith, Curt Castner, Gail Serrine  
Alternates: Joe Dooris, Jason Hill

Others Present: Counsel to Boards Mark Schachner,

Guests Present: Robert Conklin, Erin Hayes, Herta Leidy, Randy Parker, CR Siler, Thomas Fisk, Pete and Gerri Groff, Mary and David King

**PUBLIC HEARINGS:**

**File # 2007-05AV Tax Map 36.3-3-4 Robert and Sherry Conklin** seeking a 30' shoreline setback, a 37.5' rear yard setback and a 2.5' side yard setback variance to construct three (3) decks located at 235 East Shore Dr. In the R1-3.2 acre zone. Mr. Conklin stated that he has reduced the second story landing from 8'x10' to 4' x10'. Harry Balz stated that the survey shows the existing structure less than two (2) feet from the property line and would like the applicant to show layout of proposed landings on the survey map. Chip Siler, Board President Sand Point Beach stated he did not have a comment at this time. After a brief recess, Mr. Conklin submitted the survey drawing of the 4' x 10' upper landing on the survey map. Lengthy discussion ensued regarding the upper landing, property lines and the mean high water mark. Gail Serrine made a motion to keep the public hearing open requesting the applicant work with Gary McMeekin regarding a revised plan with dimensions that demonstrate where the structure is located on the parcel, motion was not seconded. Further discussion ensued regarding the mean high water mark. Harry Balz made a motion to keep the public hearing open requesting the applicant amend the application showing measurements of proposed structure to property line, 2<sup>nd</sup> by Dan Smith. All Ayes.

**File # 2007-06AV Tax Map #20.17-1-3 Roger Travis** seeking a 50' Shoreline frontage and a 50' roadway frontage variance to adjust the boundary line of adjoining parcel, lot # 32 with lot #31 lands of Clayton, and merge portion of lot #32 with lot N-14 lands of Travis, parcels are located in the R1-3.2 acre zone. Randy Parker representing the applicant explained the project. Priscilla Remington stated that the Town Planning Board recommended variance approval with condition that a portion of Lot #32 be merged with Lot #31 (lands of Clayton) and portion of Lot #32 merge with Lot N-14 (lands of Travis). Harry Balz questioned if the Clayton's approved of the project. Randy Parker stated that the Clayton's did approve of the merging of Travis and Clayton parcels as proposed. Lengthy discussion ensued regarding the Travis deck/dock system. Being no further comments or questions, Dan Smith made a motion to close the public hearing, 2<sup>nd</sup> by Harry Balz. All Ayes.

**File # 2007-08AV Tax Map 39.13-2-15 NiskaBeach Association** seeking variances for sideyard setback, dock surface area, dock length and dock design to increase dock system from 8 boat slips to 12 boat slips. Parcel located at 1592 Palisades Rd in the R1-1.3 acre zone. Tom Fisk stated that NiskaBeach has a dock situated on his property line and would like to know if the new proposal would eliminate that dock. Gary McMeekin stated that he was unaware of another dock owned by NiskaBeach Association and that dock would

be required to meet the setback and square footage regulations. Lengthy discussion ensued regarding the actual number of docks proposed and required setbacks. Dan Smith made a motion to keep the public hearing open requesting the applicant provide a survey map showing all proposed docks and measurements regarding setback from the property line(s), 2<sup>nd</sup> by Harry Balz. All Ayes.

**File # 2005-56AV Tax Map 36.15-1-12.1 Erling Asheim** seeking an area variance from road frontage to subdivide parcel on East Shore Drive. Apologies were made to the applicant as this matter was scheduled to be referred to the Town Planning Board for referral and was inadvertently left off of the agenda. Erin Hayes, representing the applicant requested the matter be tabled for referral to the Town Planning Board. Dan Smith made a motion to keep the public hearing open awaiting the recommendation of the Town Planning Board, 2<sup>nd</sup> by Gail Sirrine. All Ayes.

**The Regular meeting of the ZBA** was called to order by Chairperson Priscilla Remington. Harry Balz made a motion to accept minutes, 2<sup>nd</sup> by Curt Castner. All Ayes

#### **UNFINISHED BUSINESS:**

**File # 2007-06AV Tax Map #20.17-1-3 Roger Travis** seeking a 50' Shoreline frontage and a 50' roadway frontage variance to adjust the boundary line of adjoining parcel, lot # 32 with lot #31 lands of Clayton, and merge portion of lot #32 with lot N-14 lands of Travis, parcels are located in the R1-3.2 acre zone. Priscilla Remington reiterated that the Town Planning Board recommended approval with conditions and Warren Co. Planning Board stated No County Impact. Harry Balz stated that with the Planning Board's recommendation it would be appropriate to grant the variance request and made a motion to grant the variance as there is no undesirable change to the character of the neighborhood, this can not be achieved by other means, the request is substantial but parcels have existed on the tax maps for years and was self created by owners not realizing procedure, with the condition that the dock installed on the shorefront complies with town regulations regarding size and placement. Lengthy discussion ensued regarding the dock. Motion 2<sup>nd</sup> by Curt Castner. The board was polled. Harry Balz Aye Curt Castner Aye Priscilla Remington Nay Gail Sirrie Nay Dan Smith Nay. The motion failed by majority vote. Dan Smith made a motion to approve the 50' shoreline frontage and 50' roadway frontage variances as there is no undesirable change to the character of the neighborhood as this has existed for 20+ years, this can not be achieved by other means as this is the only viable access to the rear parcel, the request is substantial but fits well in the neighborhood, there are no adverse environmental effects, was self created but done unknowingly, with the condition as recommended by the Town Planning Board that a portion of Lot #32 be merged with Lot #31 (lands of Clayton) and portion of Lot #32 merge with Lot N-14 (lands of Travis), 2<sup>nd</sup> by Gail Sirrine. The board was polled. Dan Smith Aye Gail Sirrine Aye Priscilla Remington Aye Curt Castner Aye Harry Balz Nay. The motion passed by majority vote.

#### **NEW BUSINESS:**

**File # 2007-12AV Tax Map 56.5-1-3 Bob and Jane Lewit** seeking a 20' shoreline setback and 18' roadway

setback and a 4' sideyard setback variance to demolish existing 24' x 32' house, 8' x 24' covered porch and a 19'x 22' deck and replace with a 24' x 48' house and rebuild the 19' x 22' deck. Parcel is located at 7727 State Rte 8 in the R1-1.3 acre zone. Attorney Dan Smith, representing the applicant explained the applicants proposal. After a brief discussion, Dan Smith made a motion to deem the application complete, schedule a public hearing and refer this to the Town Planning Board, 2<sup>nd</sup> by Gail Serrine. All Ayes.

**File # 2007-09AV Kenneth and Dawn Higgins** seeking a 21' roadway setback variance to build a 12' x 26' lean-to on existing garage. Parcel is located on 212 Pease Hill Rd in the R2-5 acre zone. After a brief discussion, Gail Serrine made a motion to deem the application complete, schedule a public hearing not referring this to the Town Planning Board, 2<sup>nd</sup> by Harry Balz. All Ayes

**Board Privilege:** Discussion ensued regarding mean high water mark on Schroon Lake.

There being no further business before the board, Chairperson, Priscilla Remington adjourned the meeting at 9:27 PM

Respectfully Submitted.  
Christine Smith-Hayes, Secretary